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CALIFORNIA'S NEW ELIGIBILITY CRITERIA: LEGAL AND PROGRAM IMPLICATIONS

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ABSTRACT

In March, 1983, California adopted new eligiblity criteria for handicapped students. The criteria for learning disabilities and speech impairments included complex statistical procedures designed to identify students with a deficit in educational performance of about 1.5 standard deviation units, as reflected in the scores of certain standardized tests.

This paper examines the development of the criteria, their relationship to Federal regulations, and their tie to California's special education funding cap of ten percent of student enrollment. Technical aspects of the criteria are examined, including two case studies, and recent litigation regarding the new standards is discussed. California's efforts in these areas may have implications for special education programs elsewhere in the United States.

CALIFORNIA'S NEW ELIGIBLITY CRITERIA:

LEGAL AND PROGRAM IMPLICATIONS

Introduction. The number of handicapped children in the United States has grown markedly since the passage of PL 94-142 in 1975. The greatest growth has been among students classified as learning disabled, who have increased from about 800,000 in the 1976-77 school year to 1.7 million in the 1982-83 school year (**Education of the Handicapped**, 1984). At the same time, funds originally anticipated when PL 94-142 was passed have never been fully appropriated by Congress, and many state education systems have also been faced with diminished fiscal resources. Some school systems have recently sought ways to limit special education costs. One approach to doing this is to limit the number of children, especially mildly handicapped children, eligible for special education.

In March of 1983, California adopted new eligibility criteria for handicapped pupils. These criteria generally followed broad Federal guidelines, with significant exceptions in the areas of specific learning disabilities, and speech and language disorders. The new criteria for these two areas involved complex statistical procedures designed to identify students with a deficit in educational performance of approximately 1.5 standard deviation units, as reflected in

scores on certain standardized tests. The new standards have sparked a lively debate among special education professionals in California, and are currently being challenged by a lawsuit by an advocacy group.

This paper will examine the development of the criteria, their relationship to Federal regulations, and their tie to California's new special education funding limit of ten percent of the total student population. Two case studies will be considered, and the current status of the lawsuit will be discussed. California's efforts in this area may be a national trend-setter. The success or failure of these stringent eligibility criteria, along with the concept of the funding cap, may have significant implications for the future of special education in the United States.

Background. In 1970, California had twenty-eight separate special education programs, which had come into being as a result of years of lobbying efforts by various special interest groups. Services throughout the state were uneven: some children were served very well, while others, especially those with severe handicaps, might find themselves excluded from special education altogether. Pressures for reform came from parents, educators, professional associations, and the impact of court decisions in other states. Many felt a need for a new, comprehensive,

coordinated approach to special education planning (Boyan & Christensen, 1982).

In 1970, Wilson Riles, California's newly elected State Superintendent of Public Instruction, asked the State Department of Education to prepare an overall plan for special education reform. The intent was to reorganize the many categorical programs into one comprehensive system, with higher levels of financial support from the state. In 1974, Assembly Bill 4040 was passed, and California began to implement the new "Master Plan for Special Education."

The new law restructured the classifications of handicapping conditions, allocated funds on the basis of programs operated by local districts (as opposed to the number of children served in each handicapped category), and created new intermediate administrative units for multi-district special education consortium. Mildly handicapped students with a variety of handicapping conditions were to be served at their home school sites by Resource Specialists, who were in turn to be supported by Program Specialists, consultants with advanced expertise in various areas of special education programming.

The new system was to be phased in over several years. Six pilot administrative units began operation in 1975, the same year as the pasage of PL 94-142, and other groups of districts entered the new system in the following years. This led to an awkward

split in programs around the state: the Master Plan districts had enriched funding and, some felt, were already in compliance with several aspects of the new Federal law. The non-Master Plan districts, on the other hand, were still functioning under the old categorical system, and with less fiscal support from the state.

In 1977, follow-up legislation was passed, Assembly Bill 1250, which hoped to balance these inequities by bringing all districts in the state into the Master Plan in an equitable way. However, it was becoming clear that full implementation of the Plan (some of whose features exceeded PL 94-142 requirements) was going to be a very costly affair. Some school districts, mostly those in the Master Plan, were eventually able to serve up to fourteen percent of their total enrollment in special education; others, mostly non-Master Plan, were serving as few as seven percent. AB 1250 approved a funding level of eleven percent, a compromise on the different levels of service which had developed around the State.

At the same time, the late 1970s saw a deteriorating state economy in California, and in June, 1978, voters passed the Jarvis-Gann initiative, Proposition 13, which significantly altered all funding for education in the state. Recognizing that California did not have the resources to fully fund the eleven percent of students called for in AB 1250, the State began to

develop a new, scaled-down version of the Master Plan. The new legislation was Senate Bill 1870. Unlike earlier reform efforts, which had been spearheaded by special education interests, the new law was in part an attempt by educators not directly involved in special education to re-structure the Master Plan. It represented a compromise between various viewpoints within the educational community, including those of school boards and administrators as well as special education interest groups. During the development of the legislation, particular attention was called to the growth in numbers of mildly handicapped children under the Master Plan: the learning disabled and the speech impaired.

California's pupil count figures (Table 1) show an increasing number of learning disabled students every year since the passage of PL 94-142. Although the State's total school population declined, the number of children classified as learning disabled rose dramatically from 74,404 in 1976-77 to 117,974 in 1979-80. Although the number of speech impaired children declined statewide during these years, both mildly handicapped speech and learning disabled students were explicitly singled out in legislative planning as the areas of greatest growth in Master Plan districts.

Insert Table 1 about here.

Prior to this time, local school districts or special education consortium in California could define areas such as specific learning disability with varying levels of precision. Some practitioners had used a "rule of thumb" of about one year behind grade level for children through the second grade, and about two years behind grade level for older children, presuming of course that a child's intellectual ability was normal, a fact often (but not always) determined by the use of an intelligence test. It may have been this very lack of agreement on a precise, statewide definition of learning disabilities which contributed to the growth in numbers of identified students in some places. In the absence of such a definition, it seems probable that some of the "system selection" criteria identified by Keogh (1983) may have been at work, with placements determined by factors such as the available space in special education programs at a given time, the tolerance of regular classroom teachers for certain pupil behaviors, and other local considerations.

SB 1870 proposed several changes in the existing special education system. There would be a funding cap on services to handicapped children at ten percent of a school district's K-12 student enrollment, reduced from the earlier eleven percent.

Monies for programs to serve additional children would have to be paid for by each district, without additional state aid. A new funding structure was established which proposed to pinpoint special education "encroachment" on a district's general fund (this is, costs of special education programs above and beyond any state or Federal reimbursement), and freeze this figure at the 1979-80 level. In addition, eligibility criteria for specific learning disabilities and speech and language impairments were to be written into State law.

This was not the first attempt to establish more specific eligibility criteria in California. In 1977, AB 1250 had included a mandate that the State Board of Education adopt such criteria, and the State's Office of Special Education had convened a task force to work on these issues. These proposed criteria actually came before the Board for action at about the same time that the legislature was considering the passage of SB 1870. The Board did not adopt them at that time, however, because of the concern that they did not meet the requirements for special education testing established by the **Larry P.** decision, which ruled against the use of individual IQ tests in placing black students in classes for the educably mentally retarded (Sprague, 1980).

The legislature, however, pushed ahead and incorporated criteria for learning disabilities and speech and language

impairments into the new law. These criteria, as finally adopted, were broad statements which did not address specific levels of performance. For learning disabilities, the criteria generally followed Federal guidelines, including the need for a "severe discrepancy" between intellectual ability and achievement. The size of the required discrepancy, however, was not stated.

SB 1870 was passed in 1980, but like many compromises it did not achieve its all its objectives. During the first year of operation, school districts struggled with the new fiscal calculations (called the most complex educational funding system in the State), and ultimately made claims under the new system exceeding the amount which the legislature had appropriated by nearly $120 million. In the end, some $30 million of this overrun was absorbed by the State, but most of the impact was felt by local districts. Understandably, another piece of follow-up legislation was passed the following year.

Senate Bill 769, signed into law in September, 1981, made numerous further changes in special education funding. These had the effect of reducing the statewide special education deficit, not so much by the addition of new funding as by the recomputation and redefinition of special education entitlements. It also contained, among numerous other provisions, the renewed requirement that the State Board of Education adopt new

eligibility criteria for handicapped pupils within six months. The broad statutory criteria were to be supplemented by a more detailed set of regulations governing admission to special education programs.

The Development of the Eligibility Criteria. The new law was signed on September 30, 1981, so the new eligibility criteria were to be in place by March 30, 1982. The Special Education Office of the State Department of Education circulated draft copies of the proposed criteria to the field in February, 1982. The Department planned to take the criteria to the State Board of Education for information in March, for public hearing in April, and for action in May. At the same time, California's Advisory Commission on Special Education, an appointive body which studies and makes recommendations on special education issues, had established an Ad Hoc Committee to receive public input at meetings scheduled early in the year. The Commission felt that the Department was moving too hastily, since by February the Commission had approved only the first three pages of the proposed criteria, and was still holding public input meetings (Sprague, 1982).

The draft criteria as proposed by the Department were in many respects very similar to the brief descriptions of the handicapping conditions outlined in the implementing regulations

of PL 94-142, as they originally appeared in the **Federal Register**. As might be expected, however, the criteria for learning handicapped and speech impaired were very different. For the learning handicapped, there was a requirement for a specific discrepancy between measured achievement and expected achievement, as determined by standardized tests or other systematic assessment procedures. The required discrepancy ranged from one year for very young children, to more than four years for students between the ages of 16 and 21. At least at the secondary level, this was more stringent than the criteria followed in some places in California. The procedure generally supported the process of comparing an ability score directly to an achievement score.

The proposed criteria for speech impaired students included standards for language disorders which required a student to be significantly below the "expected language performance level." This was defined in various ways, one of which was a score on norm-referenced standardized tests greater than one standard deviation below the mean for either chronological or developmental age, whichever was judged appropriate.

During the months following the distribution of the Department's draft, other ideas were proposed for eligibility criteria, and testimony was given to both the State Board and the Special Education Advisory Commission by various groups. The

California Association of School Psychologists (CASP) raised a number of points about the criteria for learning disabilities, pointing out to the State Department that using age or grade norms for reporting scores introduced difficulties in interpretations. Converting achievement scores to standard scores would allow statistically accurate comparisons to be made between ability and achievement. CASP has elsewhere suggested a "rule of thumb" of considering students at risk for learning disabilities whose standard scores on achievement tests are about one standard deviation below their measured ability, with the provision that such a discrepancy model should be flexible enough to identify "the slower learner whose achievement scores may regress toward the mean as well as for those whose ability scores were depressed" (Aronin, 1983). CASP opposed any specific cut-off formula, calling instead for a systematic, multi-faceted assessment to include consideration of factors such as the number of years the student had been in school, test error, test correlations, comparisons between tests normed on different populations, and regression of scores toward the mean. The IEP team, CASP feels, should make the final decision on eligibility.

CASP was only one of many groups giving imput on the new criteria. Ultimately, some eight hundred individuals or organizations appeared before the State Board to discuss these issues (Sprague, 1982). By May, 1982, another new proposal had

caught the attention of many people. This was the so-called "San Juan Proposal," named for the San Juan Unified School District, a large district in the Sacramento area. This plan also called for a measured discrepancy between an ability test score and an achievement test score or scores. However, in this case the proposed discrepancy was 1.5 standard deviations, or about 22 standard score points (using a mean of 100 and a standard deviation of 15). Again, such scores were presented as one factor among several to be considered by the District's eligibility committees. Supporters of this proposal estimated that such a standard would identify between two and four percent of Califoria's student population as learning disabled, as opposed to the then-current rate of about 4.7 percent. (CASP presented a study to the State Board of 530 special day class pupils from southern California, indicating that only about 30% met the 1.5 standard deviation criterion.)

In the end, the Special Education Commission recommended a specific cut- off score of 1.0 standard deviations. The State Department, however, recommended the more restrictive cut-off score of 1.5 standard deviations, and it was this standard which the Board finally adopted on July 7, 1982. The final version of the criteria for the learning handicapped also required the calculation of the standard deviation of the distribution of computed difference scores between the two tests. This process is

used to account for the fact that a difference in obtained test scores is due to correlations between the two tests as well as to real differences in student performance.

The final wording of the key section of the regulations was: ". . . a severe discrepancy shall be determined by: first, converting into common standard scores the achievement test score and the ability test score to be compared; second, computing the difference between these common standard scores; and third, comparing this computed difference to the product of 1.5 multiplied by the standard deviation of the distribution of computed differences of students taking these achievement and ability tests. A computed difference which equals or exceeds the product of 1.5 multiplied by the standard deviation of this distribution of computed differences indicates a severe discrepancy when such discrepancy is corroborated by other assesment data which may include other tests, scales, instruments, observations and work samples, as appropriate."

Although statistically important, this provision also had the effect making the proposed criteria very difficult to understand for persons without a strong background in psychometrics. This remains a continuing criticism of the new criteria by some, especially as it relates to parents of exceptional children.

The key section of the criteria for the speech impaired

dealt with the area of language disorders: "Using more than one assessment procedure, the pupil scores at least 1.5 standard deviations below the mean, or below the 7th percentile, for his or her chronological age or developmental level on tests in one or more of the following areas of language development: morphology, syntax, semantics, or pragmatics." A language sample was also required by this section.

The Department identified two major reasons behind the Board's adoption of these new standards: the need to identify students whose needs were so unique that they could not be met by the regular education program, and the need "to establish eligibility criteria which will result in fiscal responsibility" (Sprague, 1982). However, athough the Board had approved the new criteria, more hurdles had to be crossed before they went into effect. First, California's procedures specified that the new eligibility criteria must be reviewed by the Department of Finance to certify that they would not require the expenditure of additional state funds. Second, the criteria had to be scrutinized by the Office of Administrative Law for legal issues. For various reasons, each of these agencies requested certain clarifications or assurances from the Department of Education, and it was several months before all the issues could be resolved. In the end, the criteria were approved with one change in wording in the section for learning disabilities (which is

incorporated in the excerpt quoted above), and the new regulations went into effect on March 3, 1983, nearly one and one-half years after the law mandating them had been signed.

Implementation and New Challenges. The Department of Education now began a series of workshops throughout the state to explain the new criteria to the field. While the criteria had been in the review process, the State Department's Office of Program Evaluation and Research (OPER) had prepared statistical tables for use in determining the discrepancy between ability and achievement. This was done so that the complex mathematical calculations involved in computing the difference scores would not be required by all people involved in the assessment of exceptional children. Even with the tables, however, the representatives of the Department had a challenging assignment in their presentations of the new criteria to the field. The subject matter was complex, and people without a strong background in psychometrics and the assessment of exceptional children may have had difficulty understanding the new concepts at a first sitting. A workshop could last for several hours, and included handouts of background material on score distributions, calculations, and other topics.

The Department actually proposed three separate methods for determining the extent of a discrepancy. For a few widely-used

tests, the Office of Program Evaluation and Research reviewed the literature and established correlations between tests. They then computed the standard deviation of the difference distributions for pairs of tests and subtests, using a standard formula, and prepared charts showing which pairs of scores would find a student eligible, and which would not. The ability tests used were the **Wechsler Intelligence Scale for Children, Revised** (Psychological Corporation, 1971), and the **Stanford-Binet Intelligence Scale, L-M** (Houghton-Mifflin, 1960). The achievement measures were the **Wide Range Achievement Test**, (Jastak, 1978 Edition); the **Peabody Individual Achievement Test** (American Guidance Service, 1970); and the **Woodcock-Johnson Psychoeducation Battery** (Teaching Resources, 1977).

These tests were chosen based upon their frequency of use in twenty-two special education consortium in California, and the availability of correlational data. The correlations between various subtests were requested from publishers, but according to OPER no publisher was able to provide the needed data. OPER therefore researched the literature, and found between one and nineteen studies reporting correlations between various pairs of ability and achievement tests or subtests. In cases where more than one correlation was found, the median correlation was used (OPER, undated).

This procedure is a valid first step, although it would be

helpful to follow it by gathering actual data on empirical correlations of test scores in California. OPER has not been able to work on such an endeavor, and, although a small number of local school districts or special education consortium may be collecting data which could be compiled into a larger data-base, the author is not aware of any systematic attempt to organize this information on a statewide basis. Until a larger, empirical data-base on the actual distribution of ability-achievement scores is established, or until OPER issues new tables (which it may do in the future), these median correlations from the literature remain the basis for the calculations used to determine eligibility when using combinations of these five well-known tests.

For using scores from other tests, the Department provided a second procedure involving a complex series of formulas and tables to be used if the standard deviations, means, and correlations between the tests were known. If this information was not available, a third procedure was provided which involved determining the standard scores of the two tests to be compared, and simply subtracting the achievement score from the ability score. A difference of less than 17 standard score points indicated a low probabilty of a severe discrepancy; a difference of 17 to 28 points indicated a moderate probability of a severe discrepancy; and a difference of more than 28 points indicated a

high probability. These findings were then to be confirmed by other information about the student.

All three methods were outlined in a forty-page manual which was distributed at the workshops, accompanied by a series of four position papers covering topics such as difference scores, learning disability assessment, and criteria for speech impaired students and for early childhood special education. One of the position papers elaborated on the problem of the validity of tests, and stated that in certain cases (such as testing of students whose primary language was other than English, or whose cultural background might make certain tests inappropriate), professional judgment based on factors such as classroom observations and student work samples would be accepted in lieu of a measured discrepancy. In general, however, the manual and the position papers simply made the requirements of the new criteria more specific.

One interesting result of the new criteria is that a child with a high IQ score performing just slightly below grade level might meet the eligibility cut-off, while a child with an IQ score of about 90 would have to be performing far below grade level to qualify for special education. Consider, for example, the hypothetical sets of student scores in Table 2.

Insert Table 2 about here.

Applying the formula used to determine the required discrepancy score between the **WISC-R** Performance scale and the reading subtest of the **Woodcock-Johnson Psychoeducational Battery**, we find it to be 27 standard score points (Table 3).

Insert Table 3 about here.

Student A has a **WISC-R** Performance score of 93 and a **Woodcock-Johnson** Reading score of 69, a discrepancy of 24 points. On the basis of these scores, this student would not qualify. Student B, on the other hand, has a Performance score of 108 and a Reading score of 80, a gap of 28 points. This student would therefore qualify for special education on the basis of these scores, and also on the basis of discrepancies between some of his other achievement scores and his very high Verbal and Full Scale scores. Of course, if a student with large discrepancy scores is performing within the instructional range of the class, he or she does not necessarily require special education. However, the new criteria provided little flexibility for Student A, who could probably not be declared eligible on the basis of this information.

One additional procedure recommended by Salvia and Ysseldyke (1978) to determine whether or not an obtained difference score is truly reliable suggests another statistical step. These authors recommend that the standard error of measurement for the difference be computed, and then compared to the obtained difference. Specifically, they suggest that the obtained difference score, divided by the standard error of measurement of the difference, should exceed 1.96, the z-score associated with the 95% confidence interval. The processes outlined by the State Department do not appear to include this step, although one of the position papers, in discussing possible errors in test measurement, states that "the 1.5 SD provides a point at which testing errors may be safely eliminated as the reason for the discrepancy between ability and achievement." (OSE, 1983)

The Department of Education's series of workshops concluded in the spring of 1983, so that there was little time to implement the new standards in the 1982-83 school year. Some professionals adopted a "wait and see" attitude, wanting to give the new criteria a year or so to be in effect before assessing their full impact. In August, 1983, the Department held a conference in Sacramento to focus on the referral, assessment, and identification process for the learning handicapped. Some of the speakers at this conference, who included leaders in the field from throughout the United States, raised questions about the use

of eligibility criteria. One concern, presented by Dr. James Ysseldyke, had to do with the lack of reliability in the differential diagnosis between students labeled as learning disabled and students who are considered to be low achievers (Ysseldyke, 1983). A second concern, perhaps most clearly articulated by Dr. Melvyn Semmel, Dr. Michael Gerber, and a team from the University of California at Santa Barbara, had to do with the role of the IEP team in determining eligibility: if a test score (or, more appropriately, the difference between two test scores) is a necessary condition for eligibility for special education, what is the decision-making role of the team?

It is clear from the Federal regulations which implement PL 94-142 that the IEP team must draw upon a number of resources for making decisions about exceptional children. CFR 300a.533(a)(1) calls for using information from a variety of sources, including test scores, but also teacher recommendation, cultural and social factors, and so forth. The commentary to this section states that "the point of the requirement is to insure that more than one source is used in interpreting evaluation data and in making placement decisions." In addition, the use of a formula to determine eligibility as learning handicapped was specifically excluded from the final Federal regulations published in December, 1977. The Office of Education rejected the use of any formula because of technical limitations in application,

including concerns for: "(1) The inappropriateness of attempting to reduce the behavior of children to numbers; (2) The psychometric and statistical inadequacy of the procedure; (3) The fear that the use of the formula might easily lend itself to inappropriate use to the detriment of handicapped children; (4) The inappropriateness of using a single formula for children of all ages, particularly pre-school children." (**Federal Register**, 1977)

In the months which followed, other criticisms have appeared. Sheviakov (1983) discusses problems which may arise from falsely low **WISC-R** verbal scores obtained by neurologically impaired children or those who have had irregular school attendance because of frequent moves. He also notes that small differences in IQ scores may be overemphasized: the required cut-off scores for an achievement test may be very different for an IQ of 90 and an IQ of 110, although students receiving either score could be considered to be "within normal range." Sheviakov indicates that this could discriminate against students who score below average, as has generally been the case for certain minority or bilingual students.

Furlong, Hayden, and Schwartz (1984) point out a number of difficulties with the new criteria, including the fact that as implemented by the State Department, they do not adequately address all required achievement domains. They call for

correlations to be provided for all achievement domains, based on research sensitive to special populations. They view the new criteria as psychometrically more sound than grade equivalent formulas, and suggest that one reason for the new mandates has been the inability of professionals to agree on a clear definition in this area.

The most immediate challenge faced by the new criteria, however, is a lawsuit filed on September 23, 1983, in Los Angeles Superior Court on behalf of the California Association for Neurologically Handicapped Children (CANHC). This advocacy group, affiliated with the Association for Children and Adults with Learning Disabilities (ACLD), alleges that the new criteria are inadequate for a number of reasons, including the following: ". . . many children have been, and will be, denied services to which they are entitled in that the mathematical formula contained in the regulation and manual discriminates against children on the basis of age and race, is based upon a single test instrument being used for a purpose for which they were not intended, discriminates against children with low intelligence quotient tests (sic) and is not reasonably related to the statute. The mathematical formula is directly contrary to a ruling promulgated by the United States Office of Education that such a formula violates various provisions of the Education of All Handicapped Children Act." (CANHC-ACLD, 1983)

On January 19, 1984, representatives of CANHC-ACLD and the Department of Education met with their experts to discuss the new criteria. According to CANHC-ACLD reports, it appeared that some of the experts for the State expressed agreement with the position that the IEP team should make the final decision on the placement of a learning disabled child (CANHC-ACLD, 1984). CANHC-ACLD has also maintained that it would agree to a formula not to exceed 18 points being used as one of many factors to be considered in determining the eligibility of a child with suspected learning disabilities. (Although CANHC-ACLD's opposition is not targeted at the new criteria for speech impaired children, the resolution of this issue may also affect some of those provisions, such as the 1.5 standard deviation discrepancy which both criteria have in common.) On February 8, 1984, CANHC-ACLD reportedly received a letter from the State Department suggesting some changes in the eligibility criteria. However, as of this writing, these issues have not yet been publicly announced as finally resolved.

Recent Developments and Conclusion. It is too early to assess the long-term results of the new eligibility criteria. Preliminary statistical information for 1983-84 (see Table 1) indicates that the number of speech impaired children in California continues to drop slightly, while the number of

learning disabled children continues to rise, although at a slower rate.

One additional development which may make it even more difficult to assess the impact of the new criteria is a memo issued by the State Department of Education on May 18, 1984. This memo clarifies the role of the IEP team in establishing eligiblity for special education, and among other things, specifies: "If standardized tests do not reveal a severe discrepancy persuant to Section 3030(j)(4) (for specific learning disabilities), the IEP team may find that a severe discrepancy does or does not exist based on other measures, information, and documentation." This clarification appears to significantly modify the requirements of the new criteria, at least to the extent of confirming that much of the control for determining eligibility remains at the local level.

California's situation is in flux in another area, as well. In July, 1984, the State Board of Control issued a ruling upholding the position taken by two local education agencies that California had not fully funded its mandated special education programs. This ruling may affect the concept of the special education funding cap of ten percent of the State's students, and could possibly cost the State more than $200 million per year since the passage of the new legislation in 1980.

The results of these pending issues in California may have

implications for special education programs in other places in the United States. Learning disabled children today account for forty-one percent of the handicapped students in the nation, and speech impaired children account for another twenty-six percent. Together these two groups account for two-thirds of all handicapped children nationally. The tremendous recent growth in the numbers of learning handicapped children, along with California's recent experiences, indicate that if special educators do not reach clear agreement on some sort of eligiblity standards for these students, at least at the state level, other organizations such as courts, legislatures, and advocacy groups may do it for them.

Opinions about continuing work toward such criteria vary considerably, from Myklebust (1983), who appears hopeful that a clear, scientific definition will emerge, to Ysseldyke and Algozzine (1983), who advocate putting more energy into improving service delivery systems for children who are failing in school than into clarifying precise definitions of learning disabilities. Perhaps in recognition of the need to improve service delivery systems, the United States Office of Special Education and Rehabilitative Services recently announced tentative agreement with the California Office of Special Education on a cooperative pilot project for providing alternative service delivery models for students who need extra

services to succeed in school, but who do not qualify for special education. California has for some time allowed local waivers to permit cooperative programming between special and regular education, although use of this provision appears to have been limited. The pilot project, as it develops, may be able to take advantage of some of these flexibilities to provide better services to all students.

It is possible that the effort to better define eligibility criteria for mildly handicapped children, and the effort to cooperatively serve children who need special services but fall outside of these categories, can both go forward successfully. Special educators must be able to clearly define their own programs, and should be pleased if the methodologies which they have developed over the past years can also be helpful to other students. California's struggles with these issues may take on special meaning if they can encourage professionals from different parts of the educational spectrum--those who work with the handicapped as well as those work with low achieving students--to work together to improve services to all children.

REVISED
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TABLE 1. CALIFORNIA PUPIL STATISTICS

Year	Speech	Learning Disabled	All Handicapped	All Students K-12
1976-77	127,817	74,404	332,291	4,380,400
1977-78	112,912	85,900	324,976	4,303,665
1978-79	113,246	92,957	334,887	4,187,967
1979-80	108,284	117,974	355,533	4,119,511
1980-81	95,656	159,871	362,503	4,076,421
1981-82	92,594	190,727	359,888	4,046,156
1982-83	92,056	198,696	364,318	4,065,486
1983-84	90,179	201,580	360,702	4,089,017

Note: Figures for handicapped students are for ages 3-21.

Sources: Figures for handicapped students for 1976-77 through 1980-81 are from Fourth Annual Report to Congress on the Implementation of PL 94-142 (U.S. Department of Education, 1982). Figures for handicapped students for 1981-82 and 1982-83 are from Sixth Annual Report to Congress on the Implementation of PL 94-142 (U.S. Department of Education, 1984). Figures for handicapped students for 1983-84, and for K-12 students for all years, are from the California Department of Education.

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TABLE 2. HYPOTHETICAL STUDENT SCORES

STUDENT A				STUDENT B			
Grade	2.4			Grade	2.4		
CA	8-6			CA	8-7		
WISC-R Scores				WISC-R Scores			
VIQ	86			VIQ	122		
PIQ	93			PIQ	108		
FSIQ	88			FSIQ	117		
W-J Scores				W-J Scores			
	SS	GE	%		SS	GE	%
Read	69	1.3	2	Read	80	1.9	9
Math	80	2.0	9	Math	94	3.0	35
WrLang	78	1.7	7	WrLang	87	2.4	20
Poor visual memory, few sight words. Working on C-V-C words in mid-second grade. Well-motivated and adjusted. Repeated first grade.				Knows blending skills and some sight words. Within class teaching range, reads at high first grade level. Well-adjusted, intelligent. Repeated first grade.			

TABLE 3. CALCULATING CUT-OFF SCORES

S is standard deviation, r is correlation between tests.

$$S_{diff} = \sqrt{S_a^2 + S_b^2 - 2 \times r_{ab} \times S_a \times S_b}$$

S for WISC-R Performance is 15.

S for W-J Battery Reading is 15.

r_{ab} reported by State is 0.29.

$$S_{diff} = \sqrt{15^2 + 15^2 - 2 \times 0.29 \times 15 \times 15}$$

$$= \sqrt{225 + 225 - 131}$$

$$= \sqrt{319} = 17.86$$

$1.5 \times S_{diff} = 1.5 \times 17.86 = 26.79.$

Cut-off is 27.

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